

PROCEEDINGS OF THE COMMON COUNCIL
IN Regular SESSION
Tuesday, May 24, 1994

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING May 24, 1994, IN Regular SESSION. PRESIDENT Cletus R. Edmonds IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY Present, EDMONDS Present, GiaQUINTA Present,
HENRY Present, LONG Present, LUNSEY Present,
RAVINE Present, SCHMIDT Present, TALARICO Present,

ABSENT: _____

COUNCILMEMBER: _____, _____,

THE MINUTES OF THE LAST REGULAR May 10, 1994,
_____, 19_____,

SPECIAL _____, 19_____,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

ROLL CALL

COMMITTEE SESSION

MAY 17, 1994

CITY OF FORT WAYNE, INDIANA

The Common Council of the City of Fort Wayne met in the Common Council Conference Room 128 Tuesday evening May 17, 1994, in Committee Session. President Clete Edmonds, in the chair, Council Attorney Stanley A. Levine, and Sandra E. Kennedy City Clerk, at the desk, present the following members eight viz:

BRADBURY Present, EDMONDS Present, GiaQUINTA Present
HENRY Absent, LONG Present, LUNSEY Present,
RAVINE Present, SCHMIDT Present, TALARICO Present

ABSENT: Tom Henry

COUNCIL MEMBER _____, _____, _____, _____, _____

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 24th day of May, 1994, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 26th day of May, 1994.

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

Paul Helmke, Mayor

May 9, 1994

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

Bill No. G-93-10-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
9th day of May 1994.



Carol Kettler Sharp
Secretary

/pb

CC: File

Division of Community Development & Planning

BRIEF TITLE

Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

East/West alley east of Broadway, south of Wayne Street.

Reason for Project

Parking lot.

Discussion (Including relationship to other Council actions)

18 October 1993 - Public Hearing

Ron Menze, partner in the architectural firm of Morrison, Kattman, Menze, Inc., appeared before the Commission. Mr. Menze stated that they act as the agent for St Joseph Medical Center. He stated that the alley vacation was requested for the reason of obtaining a contiguous lot - St Joseph Medical Center owns both sides of the alley. He stated that a continuous parking lot would be available to St Joe in a controlled atmosphere so that the cross alley would not create an entrance to a controlled parking lot. He stated that St Joe has had numerous discussions with the city and St Joe is dedicating an additional portion of the property that they own, what they call a "hammerhead", to allow for an alley turn around for the two or three remaining properties that face the east end of the alley.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission	
Area Affected	City Wide	
	Other Areas	
Applicants/ Proponents	Applicant(s) St Joseph Medical Center City Department Other	
Opponents	Groups or Individuals Basis of Opposition	
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against	
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)	
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass	

25 October 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner satisfying the following:

- 1) Dedicate sufficient ground to provide for a public turn around area.
- 2) Ground to be dedicated must be improved to minimum standards as required and approved by the Street & Traffic Engineering Departments.
- 3) Provide utility easement and/or relocations as needed.

Of the seven (7) present, six (6) voted in favor of the motion, the chair did not vote.

Members Present: Ernest Evans, Robert Hutner, Charles Layton, Dave Ross, Carol Kettler Sharp, Mel Smith, Vicky VerPlanck

Members Absent: James Hoch, Donald Schmidt

NOTE: All conditions have been satisfied.

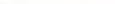
POLICY/PROGRAM IMPACT		
Policy or Program Change	<input type="checkbox"/>	No
	<input type="checkbox"/>	Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start **Date** 14 September 1993

Projected Completion or Occupancy Date 9 May 1994

Fact Sheet Prepared by **Date** **9 May 1994**
Patricia Biancaniello

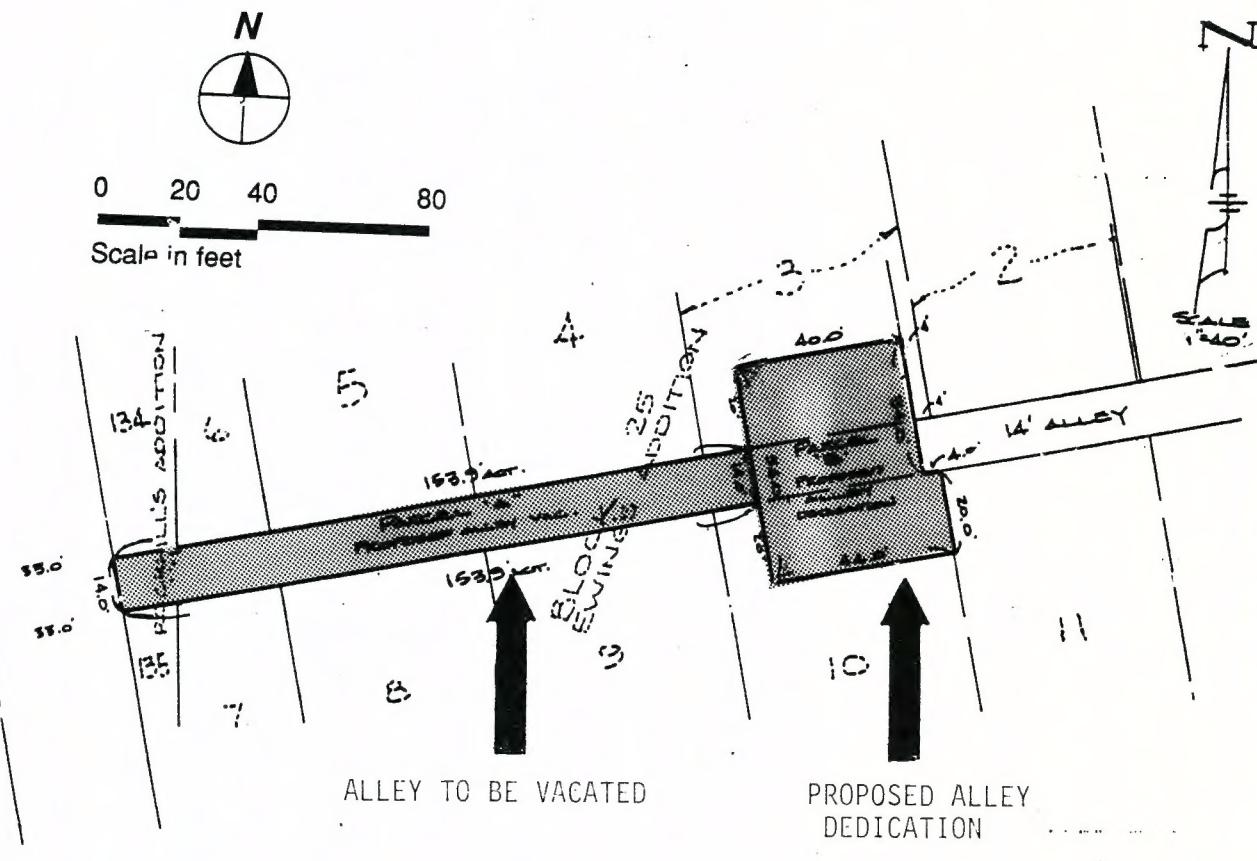
Reviewed by  Date 10 May 1994

Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #549



COUNCILMANIC DISTRICT NO. 5

Map No. L-6
LW 9-21-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

Ronald S. Menze, agent for St. Joseph Medical Center, requests the vacation of portions of an alley.

Location: E/W alley east of Broadway, south of Wayne St.

Legal: See file

Land Area: Approximately 0.05 acres

Zoning: B-3-B

Surroundings: North B-3-B Commercial (parking lot)
 South B-3-B Commercial & Vacant
 East B-3-B Commercial
 West B-3-B Commercial

Reason for Request: Not stated on petition.

Neighborhood Assoc.: West Central Neighborhood Association

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

The eastern portion of this alley is needed to serve the needs of other property owners in the area. The petitioners are aware of this and have offered to dedicate additional ground for a turn-around at the western end of the unvacated alley.

St. Joseph Medical Center is the only owner of property adjacent to the portion of the alley that they wish to vacate. While no reason for the vacation is given on the petition, one can assume that this petition is in someway related to their over-all campus development project.

Vacation petitions are evaluated against a criteria that includes the impact on adjacent property values, growth and orderly development needs, conditions in the area, and the consequences that the vacation could have on access to public ways and places.

Staff is concerned that provisions be made for anyone entering the alley from the east to have a public alley for a turn around. The petitioners offer to dedicate sufficient ground for a turn around should resolve this public safety/convenience issue. Minimum improvement of this turn around should meet the requirements of the Traffic and Street Engineering Departments.

Recommendation: Conditional approval, contingent upon the petitioners satisfying the following:

- 1) Dedicate sufficient ground to provide for a public turn around area.
- 2) Ground to be dedicated must be improved to minimum standards as required and approved by the Street Engineering and Traffic Engineering Departments.
- 3) Provide utility easement and/or relocations as needed.

RESOLUTION

WHEREAS, ST. JOSEPH MEDICAL CENTER has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

Part of the alley in Block 25 Ewing's Addition and in Rockhill's Addition both being in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Southwest corner of Lot #134 in said Rockhill's Addition; thence Easterly, on and along the South line of said Lot #134 and the South lines of Lots #6, #5, #4, and #3 in Block 25 Ewing's Addition, a distance of 153.9 feet to a point situated 44.0 feet Westerly from the Southeast corner of said Lot #3; thence Southerly and parallel to the East line of said Lot #3 and the East line of Lot #10 in said Block 25 Ewing's Addition, a distance of 14.0 feet to a point on the North line of said Lot #10 being 44.0 feet Westerly from the Northeast corner thereof; thence Westerly, on and along the North line of said Lot #10 and the North lines of Lots #9, #8, and #7 in said Block 25 Ewing's Addition and on and along the North line of Lot #135 in Rockhill's Addition, a distance of 153.9 feet to the Northwest corner of said Lot #135, being a point on the East right-of-way line of Broadway; thence Northerly, on and along said East right-of-way line, a distance of 14.0 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 18, 1993 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, October 25, 1993 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 27th DAY OF April 1994

FORT WAYNE CITY PLAN COMMISSION

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

RESOLUTION 81-61-12

WHEREAS, ST. JOSEPH MEDICAL CENTER has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

Part of the alley in Block 25 Ewing's Addition and in Rockhill's Addition both being in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held
5/4/94 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 4 DAY OF May 1994

FORT WAYNE BOARD OF PUBLIC WORKS


Charles E. Layton
Director of Public Works


Katherine A. Carrier
Member, Board of Public Works


C. James Owen
Member, Board of Public Works

Division of Community Development & Planning

BRIEF TITLE

Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

East/West alley east of Broadway, south of Wayne Street.

Reason for Project

Parking lot.

Discussion (Including relationship to other Council actions)

18 October 1993 - Public Hearing

Ron Menze, partner in the architectural firm of Morrison, Kattman, Menze, Inc., appeared before the Commission. Mr. Menze stated that they act as the agent for St Joseph Medical Center. He stated that the alley vacation was requested for the reason of obtaining a contiguous lot - St Joseph Medical Center owns both sides of the alley. He stated that a continuous parking lot would be available to St Joe in a controlled atmosphere so that the cross alley would not create an entrance to a controlled parking lot. He stated that St Joe has had numerous discussions with the city and St Joe is dedicating an additional portion of the property that they own, what they call a "hammerhead", to allow for an alley turn around for the two or three remaining properties that face the east end of the alley.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission	
Area Affected	City Wide	Other Areas
Applicants/ Proponents	Applicant(s) St Joseph Medical Center	City Department
		Other
Opponents	Groups or Individuals	Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For	<input type="checkbox"/> Against
	Reason Against	
Board or Commission Recommendation	By	
	<input checked="" type="checkbox"/> For	<input type="checkbox"/> Against
	<input type="checkbox"/> No Action Taken	
	<input type="checkbox"/> For with revisions to conditions (See Details column for conditions)	
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass	<input type="checkbox"/> Other
	<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold
	<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not pass

TAILS

25 October 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner satisfying the following:

- 1) Dedicate sufficient ground to provide for a public turn around area.
- 2) Ground to be dedicated must be improved to minimum standards as required and approved by the Street & Traffic Engineering Departments.
- 3) Provide utility easement and/or relocations as needed.

Of the seven (7) present, six (6) voted in favor of the motion, the chair did not vote.

Members Present: Ernest Evans, Robert
Hutner, Charles Layton, Dave Ross,
Carol Kettler Sharp, Mel Smith, Vicky
VerPlanck

Members Absent: James Hoch, Donald Schmidt

NOTE: All conditions have been satisfied.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start **Date** 14 September 1993

Projected Completion or Occupancy Date 9 May 1994

Fact Sheet Prepared by **Date** **9 May 1994**
Patricia Biancaniello

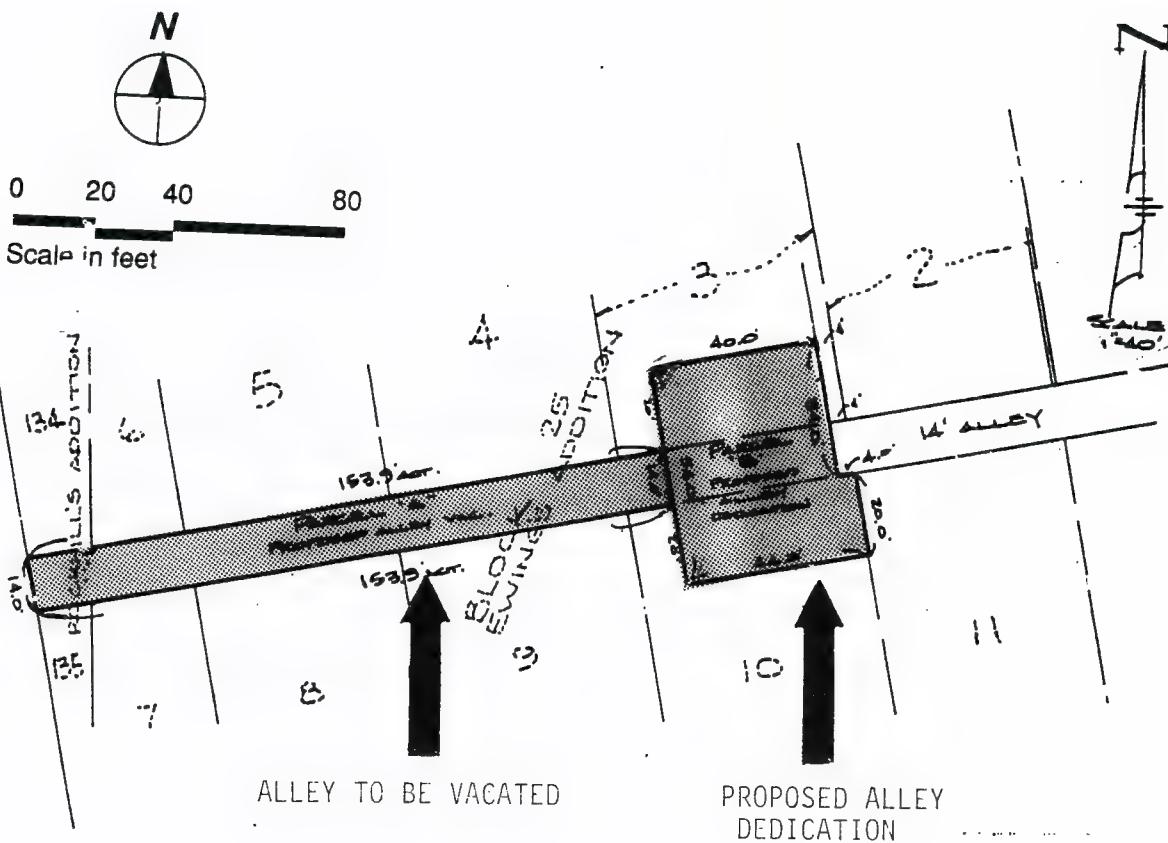
Reviewed by Jill Baker Date 10 May 1994

Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #549



COUNCILMANIC DISTRICT NO. 5

Map No. L-6
LW 9-21-93

R1	One-Family	B1	limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
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Ronald S. Menze, agent for St. Joseph Medical Center, requests the vacation of portions of an alley.

Location: E/W alley east of Broadway, south of Wayne St.

Legal: See file

Land Area: Approximately 0.05 acres

Zoning: B-3-B

Surroundings: North B-3-B Commercial (parking lot)
South B-3-B Commercial & Vacant
East B-3-B Commercial
West B-3-B Commercial

Reason for Request: Not stated on petition.

Neighborhood Assoc.: West Central Neighborhood Association

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

The eastern portion of this alley is needed to serve the needs of other property owners in the area. The petitioners are aware of this and have offered to dedicate additional ground for a turn-around at the western end of the unvacated alley.

St. Joseph Medical Center is the only owner of property adjacent to the portion of the alley that they wish to vacate. While no reason for the vacation is given on the petition, one can assume that this petition is in someway related to their over-all campus development project.

Vacation petitions are evaluated against a criteria that includes the impact on adjacent property values, growth and orderly development needs, conditions in the area, and the consequences that the vacation could have on access to public ways and places.

Staff is concerned that provisions be made for anyone entering the alley from the east to have a public alley for a turn around. The petitioners offer to dedicate sufficient ground for a turn around should resolve this public safety/convenience issue. Minimum improvement of this turn around should meet the requirements of the Traffic and Street Engineering Departments.

Recommendation: Conditional approval, contingent upon the petitioners satisfying the following:

- 1) Dedicate sufficient ground to provide for a public turn around area.
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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 18, 1993 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)
) SS:

COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, October 25, 1993 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 27th DAY OF April 1994

FORT WAYNE CITY PLAN COMMISSION

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

RESOLUTION 81-61-12

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WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

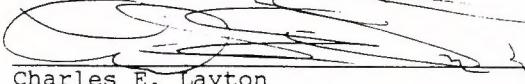
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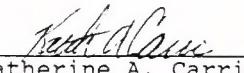
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

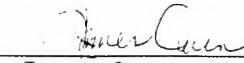
I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held
5/4/94 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 4 DAY OF May 1994

FORT WAYNE BOARD OF PUBLIC WORKS


Charles E. Layton
Director of Public Works


Katherine A. Carrier
Member, Board of Public Works


C. James Owen
Member, Board of Public Works